



SPEECH

OF

JOHN C. RUTHERFOORD,

OF GOOCHLAND,

IN THE

HOUSE OF DELEGATES OF VIRGINIA,

ON THE

REMOVAL FROM THE COMMONWEALTH

OF THE

FREE COLORED POPULATION.

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S P E E C H .

MR. RUTHERFOORD said, that he should vote against the substitute reported by the committee for courts of justice, because he regarded it as wholly inadequate to effect the object proposed. For the same reason, he was opposed to the bill of the gentleman from Amelia. As independent propositions, or as auxiliary measures, with some modifications, he might be willing to give them his support. But he could not vote for either of them as a substitute for the bill of the gentleman from Stafford and King George. That bill, as originally reported, did not command his approbation. But it had been amended in many material respects, so as to remove objections to which it was liable at first, on the ground of unnecessary harshness in its provisions. He should, before concluding his remarks, consider these provisions in detail.

Each one of the measures under consideration proposes, as its object, the removal from the state of our free negro population. This is a grave proposition, Mr. Speaker, involving moral and economical considerations of the highest consequence, and requiring the most profound reflection and thorough investigation. In the consideration of a subject so difficult and so important, it is peculiarly desirable that we should divest our minds of prepossessions and prejudices: that we should extend and enlarge our views beyond mere local interests, to what is demanded by the well-being of the state; that, not confining our views to particular aspects of the question, but examining it carefully and impartially in all its bearings, we should well and honestly acquit our consciences of the heavy responsibility which his decision involves. Sir, if I do not deceive myself, it is more as an enquirer than as an advocate; it is in a frame of mind to seek truth rather than victory in argument; it is with an earnest anxiety to avoid error and to act in this matter with an eye singly to the good of Virginia, that I enter into the consideration of the measures before us. Holding myself yet open to change and conviction, asking for enlightenment, I may hope that the views which I shall present will be heard and weighed in a like spirit of impartial enquiry.

Though friendly to the bill of the gentleman from Stafford and King George, I am prepared to concede that, even in its

amended form, it is not free from objections. No measure could be devised to effect the object proposed, which would not be open to some exception; for it is a complex subject, and we are constrained to choose between evils, decide it as we may. It will assist us in forming a correct conclusion, to bear this in mind. The question is not whether the removal of the free negro population will produce unqualified good. Such a result from the measure no one anticipates. It is hardly ever effected by the most perfect of human laws. Nor is it a question whether this measure will be productive of evils. It is for us to determine, putting together the good and evil on either side, where, upon the whole, lies the lesser evil—in which scale preponderates the good.

I am ready also to concede, that to justify the removal of this population from the state, it is not enough that we should be convinced, beyond doubt, that their influence in the community is for evil rather than for good. There is a class of evils incident to society, or to certain states of society, which are irremediable and incapable of removal—others which cannot be removed without producing evils of still greater magnitude. It is necessary for us to enquire, therefore, not only whether this class of our population be a great evil in Virginia, but also, if it be, whether it be one which it is competent for us to remove, without hazarding the production of evils equally or more to be deplored; and farther, whether there be any constitutional or moral obstacles to our action in the mode proposed. These enquiries lie at the threshold of the subject. They must necessarily precede examination of the details of the measures before us.

It will hardly be denied by any one that this population is an evil in the state. But the full magnitude of the evil is not generally understood. Indeed, it is difficult to appreciate it properly. The free negroes have been generally found so mischievous a class everywhere, that even nonslaveholding states have passed laws to exclude them. But their influence for evil in a free state is light in comparison with that which they exercise here. Though, as a class, they be idle, ignorant, degraded and immoral, filling our courts with culprits and our penitentiary with convicts, consuming more than they produce and diminishing rather than adding to the wealth of the state, yet there is little probability that their removal would be urged, if slavery did not exist among us. In the delicate relations between master and slave, they are a disturbing element. Hence their chief mischief at present—hence the great mischief which they threaten in future.

Sir, the due subordination of our slave population is not only of vast pecuniary importance to us: it is also essential

to the peace and happiness alike of the master and the slave. The security of our firesides, as well as the value of our property, is dependent upon it. It lies at the foundation of the institution of slavery, and is necessary to its support. Our law seems to recognize this by the severity with which it punishes all offences that tend to impair it. Yet the influences of the free negro population are more fatal to it than all other causes combined. The slave is in daily communion with the free negro, and often connected with him by ties of blood and affinity. Of the same caste and the same color, he feels dissatisfied that his equal socially should be his superior politically. The free negro encourages this spirit of discontent. Too often he has imbibed the doctrines of abolitionism. He infuses their poison into the ears of the slave. The danger of detection is small; and the influences which he exerts are, because of his constant association with the slave, little open to observation and less likely to be suspected and understood. Yet it was but a few days since that I saw a case reported in the newspapers of a free negro convicted and sentenced to the penitentiary for aiding the escape of a fugitive slave. Sir, I have good ground to say that the free negro is relied upon by the Garrisons and Folsoms as a potent auxiliary, and that the whole abolition party oppose his removal and colonization, because they regard him as an indispensable instrument in the accomplishment of their designs.

His influence not only favors insubordination in the slave, but in other ways also it impairs his value. It encourages him to steal from his master, by increasing the profits of the theft and lessening the hazards of discovery. The free negroes furnish him with a market for his plunder. They lend him, if necessary, their practiced skill in the perpetration of the robbery. They are the necessary vehicles or intermediate agents of an unlawful commerce between the slave and the white man. The slave sells to them. They sell to the nearest white man who will buy of them, or carry the stolen property to the nearest market town. And how often is it that the colored tenant of a barren acre or half acre lot sells in parcels, throughout the year, as the produce of his farm, hundreds of barrels of corn and hundreds of bushels of wheat! I know of some free negro settlements, near to which neither sheep nor hogs can be raised, and agricultural produce is subject, at all times, to a midnight levy heavier than the heaviest taxes which the commonwealth imposes. Valuable farms, offered for sale, have failed to find a purchaser, or have sold at a depreciated price, because of their proximity to these baneful settlements; and proprietors, in such neighborhoods, fearing, with good reason, the torch of the incendiary, have

been compelled to keep nightly guards about their barns and dwelling-houses; nay, Sir, in too many instances, it is to be feared, finding their profits uncertain, their property insecure, their slaves dishonest and unruly, and annoyed beyond endurance by repeated depredations, have, at last, abandoned forever the scene of ceaseless vexations and anxieties, to seek another home in another soil, free from the curse of a free negro population.

If testimony were wanting as to the enormity of this evil, the statistics of crime would dissipate all doubt upon the subject. They proclaim in language, not to be mistaken, that there is no prejudice nor exaggeration in what I have said about this miserable class of our population. It is estimated by Gov. Giles, that up to 1829, crimes among the free blacks were more than three times as numerous as among the whites. From the reports of the superintendent of the penitentiary, it appears that from 1831 to 1840, inclusive, crime among free negroes was five times as great as among whites in proportion to numbers, and from 1841 to 1850, inclusive, nearly nine times as great; that during the first period of ten years, the free negroes, in numbers only one-fifteenth of the white population, committed more than one-third as many crimes, and that during the second period of ten years, being one-sixteenth of the white population, they committed nearly one-half as many crimes. How significant are these facts of the character of this population, of their progressive deterioration, their rapidly increasing degradation! Would they not lead one, otherwise uninformed upon the subject, to infer, *a priori*, as an inevitable consequence, that very condition of things to which I have been adverting, and of which we have such lamentable experience?

There is no way to ameliorate their condition in Virginia. Endeavor to elevate it by enlarging their rights, and, without improving their character, you increase their power for mischief. They have proved most troublesome where their privileges have been greatest. Laws of stern severity seem to be necessary for their good as well as for our own peace and security. Morally and economically, they are unfit for freedom among whites. A degraded, idle and vicious class they will ever be, as long as they remain among us. As the population of the state increases, and with it their own numbers, (and during the last sixty years, their proportional increase has been three times as great as that of the whites, and five times as great as that of the slaves,) the change in their character and condition will be, as it has been hitherto, steadily for the worse. During the first thirty years of this century, their crimes are estimated to have been as three to one to

crimes among the whites ; now they are as nine to one. In future the proportion would be greater, and this idle and improvident class would be the greatest sufferers, as the difficulty of subsistence increased with an increasing population.

Mr. Speaker, there is but one remedy for the evil: it is the removal of this class of our population from amongst us. Can it be doubted that the evil is of such enormous magnitude as to make it our duty to remove it, if we can, without hazard of any evil of equal mischief, without infringement of our constitution, and consistently with sound principles of legislation?

Is it then one of those evils for which there is no remedy? In every community some such evils exist—social evils, which no social organization, no frame of government, no code of laws, however perfect, can wholly avoid—evils, which are a necessary consequence of their political condition, a part of the penalty which they pay for the blessings of society, the protection of government, the progress of civilization and the increase of population. It is impossible to remove such social disorders as the weakness of our common nature will sometimes produce under the best forms of government, or such as arise in dense populations from the difficulty of subsistence or the inevitable war between labor and capital. Such evils may be lessened or mitigated by prudent legislation: they cannot be removed—and the reason is plain. It is because their source is too deep, because the laws of man cannot control the laws of God; because no legislation can eradicate the frailties of our nature from the human heart, nor destroy great principles which lie at the foundation of all society. Herein is to be found the cardinal error and fallacy, not only of sumptuary laws, but of socialism, communism, abolitionism, and all those Utopian and impracticable systems, which, disregarding the lessons of the past and the elements of the present and the future, supposing humanity perfect or capable of being made so, aim to regulate the complicated framework of human society by fixed rules and abstract principles, unwarranted by the book of history or the laws of nature.

This is not one of those evils which have their source too deep to be reached by the laws of man. The cause of it does not lie immovably fixed amidst the frailties of humanity or the foundations of society. It consists simply in the residence among us of a certain class of persons, constituting one-twenty-eighth of our entire population. Let this class of persons go from amongst us, and the evils which they produce go with them. That it is practicable to devise some measure adequate to effect their removal, no one will doubt. I will

endeavor to show, before concluding, that the object will be accomplished by the bill under consideration.

It being practicable to remove the evil, the next enquiry necessary to be made is, Whether its removal can produce any other evils of equal magnitude? The evils which, it has been urged, will be produced by the removal of our free negro population seem to be resolvable into these: A withdrawal of productive labor from the state, a diminution of our representation in congress, and hard and cruel consequences to the free negroes themselves. I might, for the sake of argument, admit these evils in all the latitude that may be claimed for them, and yet successfully contend that they are light in comparison with those which we propose to get rid of. But, Sir, let me ask whether it is just that these evils should be fully admitted? If I have correctly described the character of our free negro population, the effect of their removal will not be a withdrawal of productive labor from the state; for they are what political economists would call a class of unproductive consumers—consuming more than they produce, diminishing rather than adding to the sum of our wealth, constituting, in fact, a charge and burden upon the labor of the slave: idle and vicious themselves, and encouraging idleness and vice in others. Ought it to be admitted that the removal of such a class of persons would ultimately diminish our population or our representative strength in congress? Sir, it would check emigration and encourage immigration; and, while adding to the wealth of the state, I believe that it would in the end add to our population. In particular counties, where free blacks are numerous, I know that their labor is valuable to farmers, especially at certain seasons of the year, and that their sudden removal would be productive of great mischief. Any plan proposing their sudden removal would, in my mind, be liable to insuperable objections. Their removal should be gradual (as is proposed in the bill before us)—the more gradual, within proper limits, the better—so that other and better labor may, in such counties, gradually supply their place, and so that farmers, who have been in the habit of relying upon their assistance in harvesting and for other purposes, may have time to make arrangements to dispense with their aid. Let me ask again, Whether it would be proper to admit that the free negroes themselves would be sufferers by the change proposed? Wretched as is their present condition in Virginia, it will, as our population increases, become yet more so, and yet more pregnant with mischief to all classes in the community. Can it be possible that their gradual removal to Liberia, whither it is proposed to send them, will still farther add to

their misery and degradation? Let me refer you, Mr. Speaker, to the last reports of the Colonization Society concerning the country and the government which they are to exchange for our own. If these reports are to be credited, we will confer a great blessing upon this unhappy class of persons by sending them to Liberia. They will be transferred to a country, where, no longer a degraded class, they will enjoy both social and political equality; where, on a soil teeming with fertility, in a climate more favorable than our own to their health and vigor, citizens of a republican government, the strongest stimulants will exist to elevate their character and arouse their energies. I might dwell, too, upon the benefits, direct and indirect, which a large portion of our people will derive from their removal—the increase in the value of land, in the productiveness of slave labor, increased contentment and improved morality of the slaves, increased domestic comfort and security of the whites—the simplification of our laws concerning the colored population of the state, and the augmented difficulties of successful kidnapping, when every colored man among us shall be a slave, and the exhibit of fictitious free papers can no longer facilitate the escape of the fugitive. Can there, then, be any evils attendant upon their removal comparable in mischief to those which they produce by remaining? Can they effect any good here not inconsiderable in contrast with that which will result from their absence?

If, then, this great evil can be removed without producing any evils which are not light in comparison, let us consider next, whether there be any constitutional obstacles to its removal in the mode proposed. Our new constitution expressly gives to the general assembly the power “to pass laws for the relief of the commonwealth from the free negro population, by removal or otherwise.” The framers of the constitution looked to their removal, to use the language of the constitution itself, as “a *relief*” to the state. Thus, the object which the measures before us have in view is expressly sanctioned by the constitution of Virginia. Sir, their compulsory removal was intended: for their voluntary withdrawal, without constraint or coercion, no sane man could ever have anticipated. Their compulsory removal is provided for in the bill of the gentleman from King George; but it is not in the substitute. Can there, then, be just objection to the coercive features of this measure, if they be such only as are necessary and proper to carry into execution a constitutional power, and to accomplish an object which the constitution approves and recommends? At the end of three years it is proposed that they shall be hired out, and that the proceeds of their hire shall be a fund for their removal. Sir, there is precedent in our own

state to sustain such exercise of authority. In the case of *Aldridge v. The Commonwealth*, it was decided by the general court to be within the constitutional power of the legislature of Virginia to enact laws providing for the enslavement of free negroes as a penalty for offences against the laws. I need not refer to laws already on our statute book for the compulsory removal of negroes emancipated since 1806; nor to the provisions of our new constitution banishing from the state, under penalty of enslavement if they remain, all who may be freed hereafter; nor to our statutes concerning vagrants, by virtue of which even white men were to be hired out; nor to laws now in force requiring free negroes to be hired for the payment of their taxes and jail fees. Wherein, then, does the authority, proposed to be exercised by this bill, differ from that which has already been so often asserted by our legislature?

But, Mr. Speaker, if there were no precedents in our favor, and even if the new constitution, like the old, were silent on the subject, yet the coercive provisions of this bill could be sustained on every sound principle of legislation. Whatever may be true as to the condition and rights of man in a state of nature—that impossible state about which so much has been written by theorists on government—it is yet certain that hardly any natural right can be named, which, in a state of society and civil government, may not, under certain circumstances, be held justly subordinate to high considerations of the public good and public safety. The right of self-protection and self-preservation, vested in every organized community, gives every government, of whatever form, the power, which every government has exercised, of abridging and controlling the freedom and privileges of individuals, whenever they come in conflict with the public good. Here we have the foundation of those laws which, for offences of enormous mischief to the community, not only expel citizens from their country, but send them out of the world; which not only abridge freedom, but take life itself. The toleration of certain crimes and misdemeanors would produce frightful disorders, destructive of all the benefits of society, and of society itself. Hence, all governments find it necessary to repress them by the most formidable penalties—by fine, imprisonment, banishment, death. Nor can there be, as to such offences and such penalties, any general rule applicable to all governments alike. Peculiar circumstances may render crimes common in one community, of which there is never an instance in another—may cause deeds to be comparatively harmless among one people, which, if tolerated in another nation, would be fraught with indescribable evils to the public. The necessity of keeping our slave population in due subordination, and the various

laws which grow out of the relation of master and slave in the South, furnish one among many instances which might be cited to show that the limits of proper legislation can be determined by no fixed rules or abstract principles everywhere applicable. Whether it be a question of punishing an offence, of prohibiting the exercise of an occupation, of abating a certain species of property as a nuisance, or of banishing a certain class of individuals for the public evils which they cause, it is by high considerations of public policy, not by abstract theories of human rights, that legislative action must be determined. Governments, like individuals, have constantly to choose between evils. The lesser evil must be tolerated, nay, must often be sanctioned and committed, in order to avoid the greater, just as public and private edifices of the greatest value and beauty must sometimes be battered down to stop the progress of flames and prevent the conflagration of a city. Government not only has the power, but it is one of its most solemn duties, to remove, if possible, and by harsh remedies, if necessary, the dangerous diseases of the body politic. Can any one doubt that the existence of the free negro population amongst us is such a disease? If, as I think I have shown, it be an evil seriously affecting the safety and well-being of society, and government can remove it without any mischiefs comparable to those which it occasions, then from these very propositions would follow both the power and the duty of government to remove it, even though our constitution were silent upon the subject, and there were no precedents to sustain the measure. The right of self-protection, belonging to societies as well as to individuals, would sanction the power and require its exercise.

It is important to bear in mind, moreover, Mr. Speaker, that this class of our population have no *constitutional* rights; that their rights are solely *legal*, derived from the law, and liable to be abridged and modified by law. Our code already denies them the rights of citizens. For similar reasons, by virtue of the same principles precisely, they may be denied the right to remain in the state. And there is nothing in our bill of rights, properly construed, nor in the true principles of republican government, inconsistent with the laws which have been already enacted, nor with the measure which is now proposed concerning this unfortunate population. In addressing the legislature of Virginia, I deem it unnecessary to dwell upon this proposition, because it has been unanimously decided by our general court, that the principles of our bill of rights do not apply to our colored population, because, if it were to be conceded that they did thus apply, it would follow, *a fortiori*, that all our laws sanctioning and regulating the in-

stitution of slavery were also condemned by the Virginia bill of rights and the principles of republican government. Indeed, Sir, there can be, in my opinion, no arguments denying this power to us which must not of necessity be based upon principles and theories which, pushed to their legitimate consequences, prove destructive of government itself, and inevitably place us in fraternity with socialists and abolitionists—with Fourier and Greeley—Seward and Giddings.

I have endeavored, Sir, to show the character of the evil; that it is such as to require legislation, if legislation can remove it; that it is practicable to remove it, and without any mischiefs, comparable to those which we repress; that there is no constitutional or moral obstacle in our way; that, on the contrary, the constitution approves, precedents sustain, and sound principles of legislation demand the removal of the free negroes from the state.

It remains to consider the character of the measure by which the object is to be effected. It will be conceded that it should be adequate to accomplish the end in view, and that there should be no unnecessary harshness or severity in its provisions.

The substitute reported by the committee for courts of justice is objectionable to my mind, because it does not fulfill the first of these requirements. Both the substitute of the committee and the bill of the gentleman from Amelia make an annual appropriation from the treasury, and impose taxes upon the free negro, to provide a fund for his removal. The principal difference between them seems to be in the amount of the tax. Neither authorizes the use of any constraint. Those only are to be removed who are willing to go. But neither our past experience, nor our knowledge of the characteristics of this race, will justify us in the belief that, with the option of remaining in the state, they will choose to be transported to Liberia or anywhere else. The number would be comparatively small who would avail themselves of the provisions of the substitute. The experiment has been tried. In 1833, a bill was passed by the legislature of Virginia, appropriating \$18,000 for their removal. It had little or no effect. The act of 1850 makes an appropriation of \$30,000, and provides by taxes an additional fund of \$10,000 for the same purpose; yet the whole number removed, prior to the 1st January 1852, at an expense of \$12,600, is stated to have been only 252—and only 192 during the last year, at a cost of \$7,050. It is alleged, it is true, that some restrictions contained in this act have impaired its efficiency. But you may rest assured, Sir, that it will never be efficient as long as its execution is dependent upon the will of the free blacks themselves. There

never was any population upon the face of the globe, about whom there was more of the *vis inertia*. The drones of our community, they will not look to the future, they will make no provision in the summer for the winter, nor one day for the next. The unwonted trouble and exertion that would be attendant upon a change of their homes, would alone be sufficient to keep the bulk of them stationary in one place forever. In making these general remarks of the class, I know that there are exceptions. These exceptions form the most intelligent and respectable of these people. Such, and such only, industrious laborers and mechanics, would be banished by the operation of the substitute. The very dregs and refuse of this miserable population would still be left among us. I have grave doubts whether, if this substitute were to be enacted into a law, it would not thus, by its partial operation, rather aggravate than diminish the evil.

On the other hand, the bill for which the committee have offered their substitute, seems to be adequate to accomplish the object designed. Its coercive features are not to take effect until 1856. In the mean time, many will have been induced to leave the state by the notice to quit, which they will receive under the provisions of the bill. Let us suppose, however, that notwithstanding the effect of this notice, the number will be quite as large in 1856 as it was in 1850. The number of free negroes in Virginia, by the census of 1850, is 53,829. Of this number, there were 32,731 between the ages of ten and fifty, or of an age to be hired out. Of those between ten and fifty, there may be mothers with young children, and others, to the number of 7,731, whom the overseers might, for good reasons, in the exercise of the discretion which this bill allows them, determine not to hire out under its provisions. There would still remain for hire 25,000. The average hire of negroes is now nearer to \$100 than to \$50. It may safely be assumed, that after deducting the overseers' commissions and the expenses incidental to the hiring, the net produce of their hire would be \$50 *per capita*. At this rate, for 25,000, there would be received by the overseers, for the first year, the sum of \$1,250,000. How much of this sum would be needed for the support of that part of the population which might not be able to take care of themselves, it is difficult to say. But there is every reason to believe that, if this fund be faithfully and judiciously administered, not more than one-half of it, if as much, would be requisite for that purpose. Among those left at their homes by the overseers, will be many quite able to take care of themselves and their families. In the country, where the bulk of these people live, their expenses are small. They have generally no rent to pay

for their cabins. They own truck-patches and hen-houses, and the fields, the hog-pens and the barns of the neighboring proprietors will continue to supply them with the means of subsistence and the means of trading for the supply of their wants. Indeed, such is their general idleness, that it by no means follows that when you withdraw the able-bodied laborers, or those capable of labor, you thereby lessen very greatly the actual amount of productive labor amongst them. In many cases, it is as among savages: the women are made to do all the work for their lazy, whiskey-drinking lords; and when you hire the men, in such cases, you will have actually benefited the women and children of the families; for you will have lessened the consumption far more than you will have lessened the production. To those who are acquainted with the habits of this population, it is needless to say that it is not by the produce of their own labor that they are now supported. If they hire themselves out at all, it is by the day rather than by the year, and from time to time only, as their necessities may require, often following up a few days in the harvest field with months of idleness. The hiring, therefore, of such as are fit for labor among them, would not make so great a difference in the condition of the others, and their means of support, as might be at first supposed. Under the operation of this bill, their labor would be made to produce \$1,250,000 per annum, a sum many times greater than they produce when left to themselves. Am I not, then, making a very liberal estimate, when I suppose that as much as one-half of this sum may be requisite to supply to their families the loss of their industry? Then the fund remaining, to be used in transporting this population, derivable from their hire in one year, would be upwards of \$600,000. This sum, at an average expense of \$50 for each negro removed, according to the experience of the Colonization Society, would be sufficient to colonize as many as 12,000—between one-fourth and one-fifth of their whole number—a number much too large to be sent out of the state in a single year. But the bill provides that the county courts shall, at their January term each year, beginning with 1857, “having regard,” to use the language of the bill, “both to the capacity of Liberia for receiving emigrants and to the effect upon the people of their own counties of too sudden a withdrawal of a considerable part of their population, as well as to the amount of the fund at their disposal,” impose a limit upon the number to be transported during the year ensuing. It might also be advisable to provide, in some proper manner, for limiting the whole number to be removed in any one year from the commonwealth. It is true, Sir, that as the number of free negroes would

diminish by means of their annual transportation, the annual product of their hire would diminish also. But it is easy to perceive that the large fund which would thus be raised might be so managed as to prove amply sufficient for the gradual transportation from the state, before the year 1869, (when the clause for their enslavement is to take effect,) of this whole class of persons, except such as the bill exempts from its provisions. The surplus beyond what might be necessary each year for the support of these people and for the annual transportation of a limited number to Liberia, would accumulate in the treasury, or might be invested in interest-bearing stocks, to constitute a fund in reserve, when other resources might prove insufficient.

In my estimate of the effects of the main feature in this bill—the compulsory hiring—I have intentionally overlooked several sources of auxiliary influence: the notice to quit, to be given to them in person by the commissioner, as well as by advertisements throughout each county; the action of the Colonization Society, aided by an appropriation from the treasury under the act of 1850; and the provision for their voluntary enslavement, contained in the 9th section of the bill. I have wished to show that, within itself, it is sufficient to effect the object; that before 1869, within the thirteen years after the directly coercive features of the bill begin to take effect, its great design will have been accomplished. But if this should not be the case—if, notwithstanding the operation of this bill for the next sixteen years, there should, in 1869, still be free negroes in the state not within the scope of its exemptions, it is farther provided in the 9th section, that if they will not choose their own masters, they shall be sold into slavery, and the proceeds of their sale be applied to promote the comfort of those sent to Liberia, as well as of those still permitted to remain in Virginia. While this last feature of the bill does not command my approbation, my objections to it are not so strong as to deprive the measure of my vote. If the necessity for such a proceeding can be demonstrated, or should hereafter appear, it might be successfully defended upon the same grounds which I have urged to justify milder measures of coercion; but if it do not appear to be necessary, as the time prescribed for it approaches, the legislature will repeal the clause which authorizes it. With such a clause in the bill, it may, at least, be predicated, beyond all doubt, that it will be adequate in the end to accomplish its object. And considerations of humanity and justice to the free negroes themselves require that, if we really design to effect their removal, our measure should at once be made efficient for the purpose. It should be of such a character, that if changes in

it be necessary in future, they should be such as to render its provisions milder, not harsher, in their operation. Power, under proper limitations, might hereafter, if it were thought proper, be given to the county courts to extend the time for their removal, and to grant exemption from the provisions of the bill in certain specified cases. If we hold out such hopes to them now, the whole purpose of the notice will be defeated, and there will be few voluntary removals because of it. But let them see, as is proposed by this bill, that we are in earnest—that sooner or later *they must go*—and at once they will begin to prepare to do so.

Though the measure which I advocate be adequate, as has been shown, to effect the removal of our free negro population, still it should not receive our sanction if its provisions be unnecessarily severe and harsh. It would be a blot upon the honored escutcheon of our state, should we pass *vindictive* laws against individuals or against classes. Justice and humanity require that the remedy for this evil should be the mildest that may be adequate to its cure. The duty of self-preservation gives us, it is true, the right to remove the mischief; but this right, thus derived, is limited in its nature; it is bounded by the limits of the evil, and it is confined to the means necessary and appropriate for its removal. Should we, in the mere wantonness of power, legislate upon this subject, without due consideration for the black as well as for the white man, it would be an outrage upon the spirit of the age in which we live, and unworthy of our high civilization and our ancient honor. I should oppose a proposition, which has some advocates, to reduce this whole class of persons into slavery, after notice to them to leave the state, because of its unnecessary harshness, because milder measures will remove the evil, as I have endeavored to show.

But, Sir, it should be borne in mind that no measure can be devised to effect the object desired, which must not, of necessity, be harsh and severe to a certain extent. It is because these people are not willing to go, and never will go, without some sort of constraint or coercion. Were this body to appropriate at once three millions for their removal, this magnificent appropriation would still be as far from effecting the object as the smaller appropriation already made, if it were at the same time to be provided that none should be removed at the public expense, except such as were willing to go. This bill imposes a tax upon the labor of the free negro in order to raise a fund for his removal. Is there just objection to this? If they are able to pay the expenses of their removal, why should they not do so? The law of 1850 sanctions the principle by taxing them to raise a fund for the pur-

pose. The substitute of the committee and the bill of the gentleman from Amelia both impose taxes for the same object, only differing in amount. And if the free negroes do not pay these taxes, they are to be hired out, as the law now stands, until their hire will pay them. There is not so much difference, then, between the bill of the gentleman from King George and the substitutes which have been proposed to it, except that the latter are dependent for their effect upon the will and pleasure of the free blacks themselves. By the provisions of the former they will, in the first place, have full notice to go—three years to get ready. If they can go and will not, the appropriation of their own labor to effect the object will be a just and necessary penalty for their willful disobedience to the law. If for the want of means they cannot go, then means will be provided for their removal. If from physical or bodily infirmity they ought not to go, they will be allowed to remain. If, having passed the age of fifty, they have reached a period of life when the energies begin to decay, when the elasticity of the spirit is gone, and the mind, averse to change, cannot, as in youth or earlier manhood, accommodate itself to new scenes and altered circumstances—then, too, they have the privilege to stay or go, according to their pleasure. They are to be removed, without any painful separation of friends or families, and to a country abounding in the richest resources, where, if any faith is to be placed in human testimony, their condition will be infinitely preferable to that which they now hold in Virginia. In the mean time, the measures employed for the purpose will produce no inconveniences at all commensurate with the great good to be accomplished. After the 1st of January 1856, such as can work will be made to work. They will be hired out generally in the neighborhoods of their families, if families they have; they will, in many instances, be rescued from habits of idleness and intoxication, fast carrying them to the grave; and both those who are made to labor and those who are left at home, will be comfortably clothed, fed and cared for until the time for their final departure from the state shall have arrived.

Sir, I have frankly said that this bill, even in its present form, does not wholly command my approbation. If it can be still farther amended so as to lessen its harshness, without impairing its efficiency, most gladly will I vote for such amendments. Let them be proposed. The bill is now open to amendment. Let its details, if defective, be improved and perfected. In the form in which it was originally reported, I should have been compelled to vote against its passage. But its patron has kindly consented to remove my principal objections by amendments, to which I invite the particular atten-

tion of the house, since they materially mitigate the rigor of the measure as it was first proposed. I think it will be found, Sir, that the bill of the gentleman from King George, however you may change or modify it, contains at least the basis and foundation of the true remedy for one of the greatest evils which ever afflicted a state.

I am desirous, before concluding, to say a few words to those members whose constituents are less interested in this question than the people whom I have the honor to represent, and more especially to our friends from the other side of the mountains. It is true that the evil is of very unequal distribution throughout the commonwealth. In the Tidewater district, with a population of about 400,000, the number of free blacks by the last census is 32,700; while in the Trans-Alleghany district, with a population nearly as large, the number is only 2,482—less than in some single counties of Tidewater Virginia. Many may think, therefore, that their constituencies have little practical interest in the subject under discussion. But even if this be so, does not sheer justice to the people of those counties which groan under this burden require that they shall be allowed to get rid of it in the mode proposed? For they ask to impose no taxes upon others; they make no demands upon the treasury. Those afflicted with the evil ask simply that they may be suffered to remove it, without your assistance; taking upon themselves, within their own county limits, the trouble and inconvenience that its removal may involve.

Is it true though that our Western friends have no interest in this subject, except in its bearings upon the general interests of the state? They deceive themselves if they suppose so. Sixty years ago the number of free negroes and Indians together in Eastern Virginia was only 11,976. It is now 45,836. Sixty years ago the number in Western Virginia was but 800. It is now 7,801. During this period, the whole free black population of the state has increased three times as rapidly as the whites, and nearly five times as rapidly as the slaves. While the number has been smaller, the proportional increase of the free negroes has been much greater in Western than in Eastern Virginia. In Eastern Virginia it has been 288 per cent. In Western Virginia it has been 775 per cent.; about 550 per cent. in the Valley district, and in the Trans-Alleghany region as much as 3,110 per cent. Sixty years ago, when there were not 12,000 free negroes in Eastern Virginia, the evil was felt almost as lightly in the East as it is now felt in the West. Should not the West be admonished, then, that what has since been the progress of the evil with us, may, in future, be its progress with them? An exhausted soil and a

hostile population on the one hand, cheap and fertile lands on the other, will continue to invite them to emigrate across the mountains: and sixty years hence, if we do not arrest the mischief while we can, you may suffer from it more in the West than we now do in the East.

Let me also remind those who, while commending the object, do not wholly approve the provisions of this bill, that its operation is prospective, and that in the mean time, and after it goes into effect, it will be open to change, modification and repeal. Such is the extreme difficulty of the subject, that perhaps no human wisdom could at first devise a measure not justly liable to some objections, and not susceptible of being improved by the teachings of time and experience. The bill before us may not be perfect: but a *beginning* is necessary. If you wait for a measure acceptable to you in every particular, you will wait forever, and nothing will ever be done. If the provisions of this bill should be found defective, you may amend them. Pass it now, and it will be on your statute book three years before its coercive features take effect. Though you repeal it hereafter, we will, at least, have had the benefits, for the first time, of a full, formal, legal notice from the public authorities of the state to our free negro population, that they must depart from the commonwealth. Is not this experiment worth trying, if you will go no further? Let us at least have the benefit of the notice.

If this population is ever to be removed, Sir, there should be no longer delay in our action. With every year that we procrastinate, the difficulties in our path will increase. How easy, comparatively, would the removal of the free blacks have been half a century ago! If we wait half a century longer—if we wait but twenty—but ten years—it may become wholly impracticable. And is it possible to over-estimate or exaggerate the increasing evils that would flow from their increasing numbers in future? Sir, it was anticipated by many that on a subject of such importance there would be action by the convention which framed our constitution. They, very properly I think, imposed the duty upon us; and the people now look to us to discharge it. I know that the task is one full of the greatest embarrassment and delicacy. Perhaps there are some who would willingly avoid and cast upon others the heavy responsibility which it involves. It is the desire of many to pass through life as smoothly as possible, shunning every hazard, turning aside from every obstacle, and following, whether in private or in public, only the level and the beaten pathway. They would let the future take care of itself, and grapple with no difficulties that lie not at their doors. We should not, Mr. Speaker, in the discharge of our

high trusts, turn aside, in such a spirit, from the grave question before us. It is our duty to meet it at once with becoming manliness—and let us do so.

Let me, in conclusion, return my thanks to the house for the kind and patient attention which they have given me. I should not have detained you as long, but that my constituents feel so deep an interest in this subject, that, though a quiet and home-staying people, they have assembled in public meeting at their court-house, to express their sentiments and to send me their instructions in regard to it. I have endeavored, Mr. Speaker, according to my promise, to consider the question with a candid mind. If my judgment be biased by hidden prejudices, or by considerations foreign to the public good, I am unconscious of it. Indeed, my secret sympathies and inclinations have strongly opposed the conclusions to which my reason and my observation have unwillingly led me. I have feelings of personal regard for individuals belonging to that unfortunate class which I have been compelled to speak of so harshly. I know that there are some exceptions to the character ascribed to them; that there are a few, but they are very few, who have the qualities to make good citizens, if our laws or prejudices would allow it. I fear, too, that the operation of this bill may produce among them cases of private inconvenience and hardship. But in legislating for great public interests and to repress great public mischiefs, we must look to general results, not to exceptional cases. Without some sacrifice, no great public good can be accomplished. If there be, in particular instances, under this statute, subject for personal regret, there will yet be an abundant source of consolation in the reflection that its ultimate effect, while so advantageous to Virginia, will enure to the benefit of the people we banish; that, worse than slaves at present, they will be made, by their removal, equals among equals in a free government, inhabitants and proprietors of a soil teeming with the richest productions of the globe; nay, Sir, that they may be made the agents, under Providence, of a vast and noble work of human good—the suppression of the slave trade, which has so long desolated Africa, and the final civilization and enlightenment of her unhappy and benighted millions.



111

112

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